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CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2210

**Introduced by Assembly Member Goldberg
(Principal coauthor: Assembly Member Torrico)
(Coauthors: Assembly Members Koretz and Niello)**

February 22, 2006

An act to amend Sections 21100, 22651.7, 22658, 22953, and 40000.15 of, and to repeal Section 22658.2 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL’S DIGEST

AB 2210, as amended, Goldberg. Tow trucks: regulating.

(1) Existing statutory law authorizes a city or county to adopt rules and regulations by ordinance or resolution regarding, among other things, licensing and regulating the operation of tow truck service or tow truck drivers whose principal place of business or employment is within the jurisdiction of that local authority, except as specified.

This bill would express certain legislative findings regarding the safety and welfare of the general public as being promoted in allowing local authorities to license and regulate tow truck service companies and their operators.

(2) Existing law requires a towing company to remove a vehicle parked on private property to the nearest public garage under specific circumstances if, among other things, the property owner or lessee's prior written authorization is obtained and imposes certain duties on the property owner or lessee, the tow truck company, and the storage facilities and their operators. Under existing law, civil causes of action are established for violating these provisions and it is an infraction, under the Vehicle Code, for a person to violate, or fail to comply with the Vehicle Code or a local ordinance adopted pursuant to the Vehicle Code.

This bill would substantially recast these provisions by requiring, among other things, that the property owner or lessee include the name and telephone number of each towing company that is a party to a written general towing authorization with that person, that the described written authorization from the property owner or the lessee contain certain specific information, and that the tow truck operator, notify the registered and legal owner of the fact of the removal of a vehicle, the grounds for the removal, and the place where the vehicle has been removed, under specified conditions. The bill would also require the towing company to provide a photocopy, as specified, of the written authorization to the vehicle owner or an agent of that owner, when that person claims the vehicle and prior to payment, would prohibit a towing company from removing or commencing the removal of a vehicle from certain private property unless the towing company has made a good faith inquiry to determine that the owner or the property owner's agent complied with certain statutory restrictions regarding the removal of a vehicle from certain private property. The bill would require a towing company to maintain certain records. The bill would make a violation of these provisions, an infraction or a misdemeanor, thereby imposing a state-mandated local program by creating new crimes, and subject to civil actions.

The bill would require, upon a vehicle owner's request, a towing company or its driver to immediately and unconditionally release a vehicle that is not yet removed from private property and in transit. The bill would make it a misdemeanor to violate this requirement and to knowingly charge a vehicle owner a towing, service, or charge that

exceeds statutorily imposed rates, thereby imposing a state-mandated local program by creating new crimes.

This bill would require a towing operator to make available for inspection and copying, his or her rate approved by the California Highway Patrol within 24 hours of a request to specified entities. The bill would make it a misdemeanor to violate this requirement, thereby imposing a state-mandated local program by creating new crimes.

The bill would require an owner or the owner's authorized agent of a vehicle that has been released, as described above, to immediately move that vehicle to a lawful location. Because the failure to comply with this requirement would be a crime, this bill would impose a state-mandated local program.

This bill would require a person operating or in charge of a storage facility to conspicuously display in that portion of the office where business is conducted with the public a notice advising that all valid credit cards, as defined, and cash are acceptable means of payment.

The bill would make the failure to comply with these display requirements or to fail to accept valid credit card or cash payments a misdemeanor, thereby, imposing a state-mandated local program by creating new crimes.

This bill would require a towing company that removes a vehicle from private property to notify the local law enforcement agency of the tow ~~within 15 minutes~~ after the vehicle is removed from the private property and is in transit. ~~A violation of this requirement~~ *The bill would subject the towing company to civil penalties; however, liability to the registered owner of the vehicle, or his or her agent, if the towing company fails to notify the local law enforcement agency within 30 minutes of the removal. The bill would provide that a towing company is guilty of a misdemeanor if the towing company fails to notify the local law enforcement or notifies the local law enforcement agency more than within 60 minutes after that removal, the towing company, additionally, would be guilty of a misdemeanor or 15 minutes after the towed vehicle arrives at a storage facility, whichever is less, thereby imposing a state-mandated local program by creating a new crime. The bill would provide a towing company with an affirmative defense if the required notification is impracticable, in which case the time for notification is tolled for the period in which the notification is impracticable.*

The bill would express the intent of the Legislature regarding vehicle possession and promoting the safety of the general public, and

would specify that the remedies, sanctions, restrictions, and procedures provided in these provisions are not exclusive and are in addition to other remedies, sanctions, restrictions, or procedures that may be provided in other provisions of law.

This bill would require that a vehicle removed from private property be stored in a storage facility that meets specified requirements. Because the failure to comply with these requirements would be a crime, the bill would impose a state-mandated local program.

(3) Existing law authorizes a peace officer, as defined, or a regularly employed and salaried employee who is engaged in directing traffic or enforcing parking laws and regulations of the jurisdiction in which a vehicle is located, to immobilize the vehicle that is located on a highway or public lands located within the territorial limits in which the officer or employee may act, if the vehicle is found upon a highway or the public lands and certain factors are known to exist regarding the vehicle or the registered owner.

This bill would expressly provide that the above-described authorization does not authorize a person, other than a person expressly authorized above, to immobilize a vehicle.

(4) Existing law limits a towing company to imposing a charge of not more than $\frac{1}{2}$ of the regular towing charge for the towing of a vehicle at the request of the owner of private property or that owner's agent if the owner of the vehicle or the vehicle owner's agent returns to the vehicle before it is removed from the private property.

This bill would recast that provision to limit a towing company to $\frac{1}{2}$ of the regular towing charge of a vehicle that is towed at the request of the owner, the owner's agent, or the person in lawful possession of the private property if the owner of the vehicle or the vehicle owner's agent returns to the vehicle after the vehicle is coupled to the tow truck, as specified, or is lifted off the ground by means of conventional trailer, and before it is removed from the private property.

(5) Existing law prohibits an owner or person in lawful possession of private property that is held open to the public, or a discernible portion thereof, for parking of vehicles at no fee, from towing or removing, or causing the towing or removal, of a vehicle within one hour of the vehicle being parked, except as excluded.

This bill would exclude from this prohibition a vehicle that is parked in a manner that interferes with an entrance to, or exit from, the private property.

This bill would also express legislative intent regarding promoting the safety of the general public, and would allow for a civil cause of action upon a violation of the above prohibition.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21100 of the Vehicle Code is amended
2 to read:

3 21100. Local authorities may adopt rules and regulations by
4 ordinance or resolution regarding the following matters:

5 (a) Regulating or prohibiting processions or assemblages on
6 the highways.

7 (b) Licensing and regulating the operation of vehicles for hire
8 and drivers of passenger vehicles for hire.

9 (c) Regulating traffic by means of traffic officers.

10 (d) Regulating traffic by means of official traffic control
11 devices meeting the requirements of Section 21400.

12 (e) Regulating traffic by means of a person given temporary or
13 permanent appointment for that duty by the local authority
14 whenever official traffic control devices are disabled or
15 otherwise inoperable, at the scenes of accidents or disasters, or at
16 locations as may require traffic direction for orderly traffic flow.

17 A person shall not be appointed pursuant to this subdivision
18 unless and until the local authority has submitted to the
19 commissioner or to the chief law enforcement officer exercising
20 jurisdiction in the enforcement of traffic laws within the area in
21 which the person is to perform the duty, for review, a proposed
22 program of instruction for the training of a person for that duty,
23 and unless and until the commissioner or other chief law
24 enforcement officer approves the proposed program. The
25 commissioner or other chief law enforcement officer shall
26 approve a proposed program if he or she reasonably determines

1 that the program will provide sufficient training for persons
2 assigned to perform the duty described in this subdivision.

3 (f) Regulating traffic at the site of road or street construction
4 or maintenance by persons authorized for that duty by the local
5 authority.

6 (g) (1) Licensing and regulating the operation of tow truck
7 service or tow truck drivers whose principal place of business or
8 employment is within the jurisdiction of the local authority,
9 excepting the operation and operators of any auto dismantlers'
10 tow vehicle licensed under Section 11505 or any tow truck
11 operated by a repossessing agency licensed under Chapter 11
12 (commencing with Section 7500) of Division 3 of the Business
13 and Professions Code and its registered employees.

14 (2) The Legislature finds that the safety and welfare of the
15 general public is promoted by permitting local authorities to
16 regulate tow truck service companies and operators by requiring
17 licensure, insurance, and proper training in the safe operation of
18 towing equipment, thereby ensuring against towing mistakes that
19 may lead to violent confrontation, stranding motorists in
20 dangerous situations, impeding the expedited vehicle recovery,
21 and wasting state and local law enforcement's limited resources.

22 (3) Nothing in this subdivision shall limit the authority of a
23 city or city and county pursuant to Section 12111.

24 (h) Operation of bicycles, and, as specified in Section 21114.5,
25 electric carts by physically disabled persons, or persons 50 years
26 of age or older, on the public sidewalks.

27 (i) Providing for the appointment of nonstudent school
28 crossing guards for the protection of persons who are crossing a
29 street or highway in the vicinity of a school or while returning
30 thereafter to a place of safety.

31 (j) Regulating the methods of deposit of garbage and refuse in
32 streets and highways for collection by the local authority or by
33 any person authorized by the local authority.

34 (k) (1) Regulating cruising.

35 (2) The ordinance or resolution adopted pursuant to this
36 subdivision shall regulate cruising, which is the repetitive driving
37 of a motor vehicle past a traffic control point in traffic that is
38 congested at or near the traffic control point, as determined by
39 the ranking peace officer on duty within the affected area, within
40 a specified time period and after the vehicle operator has been

1 given an adequate written notice that further driving past the
2 control point will be a violation of the ordinance or resolution.

3 (3) A person is not in violation of an ordinance or resolution
4 adopted pursuant to this subdivision unless both of the following
5 apply:

6 (A) That person has been given the written notice on a
7 previous driving trip past the control point and then again passes
8 the control point in that same time interval.

9 (B) The beginning and end of the portion of the street subject
10 to cruising controls are clearly identified by signs that briefly and
11 clearly state the appropriate provisions of this subdivision and the
12 local ordinance or resolution on cruising.

13 (l) Regulating or authorizing the removal by peace officers of
14 vehicles unlawfully parked in a fire lane, as described in Section
15 22500.1, on private property. A removal pursuant to this
16 subdivision shall be consistent, to the extent possible, with the
17 procedures for removal and storage set forth in Chapter 10
18 (commencing with Section 22650).

19 SEC. 2. Section 22651.7 of the Vehicle Code is amended to
20 read:

21 22651.7. (a) In addition to, or as an alternative to, removal, a
22 peace officer, as defined in Chapter 4.5 (commencing with
23 Section 830) of Title 3 of Part 2 of the Penal Code, or a regularly
24 employed and salaried employee who is engaged in directing
25 traffic or enforcing parking laws and regulations, of a jurisdiction
26 in which a vehicle is located may immobilize the vehicle with a
27 device designed and manufactured for the immobilization of
28 vehicles, on a highway or any public lands located within the
29 territorial limits in which the officer or employee may act if the
30 vehicle is found upon a highway or public lands and it is known
31 to have been issued five or more notices of parking violations
32 that are delinquent because the owner or person in control of the
33 vehicle has not responded to the agency responsible for
34 processing notices of parking violation within 21 calendar days
35 of notice of citation issuance or citation issuance or 14 calendar
36 days of the mailing of a notice of delinquent parking violation, or
37 the registered owner of the vehicle is known to have been issued
38 five or more notices for failure to pay or failure to appear in court
39 for traffic violations for which no certificate has been issued by
40 the magistrate or clerk of the court hearing the case showing that

1 the case has been adjudicated or concerning which the registered
2 owner's record has not been cleared pursuant to Chapter 6
3 (commencing with Section 41500) of Division 17. The vehicle
4 may be immobilized until that person furnishes to the
5 immobilizing law enforcement agency all of the following:

6 (1) Evidence of his or her identity.

7 (2) An address within this state at which he or she can be
8 located.

9 (3) Satisfactory evidence that the full amount of parking
10 penalties has been deposited for all notices of parking violation
11 issued for the vehicle and any other vehicle registered to the
12 registered owner of the immobilized vehicle and that bail has
13 been deposited for all traffic violations of the registered owner
14 that have not been cleared. The requirements in this paragraph
15 shall be fully enforced by the immobilizing law enforcement
16 agency on and after the time that the Department of Motor
17 Vehicles is able to provide access to the necessary records. A
18 notice of parking violation issued to the vehicle shall be
19 accompanied by a warning that repeated violations may result in
20 the impounding or immobilization of the vehicle. In lieu of
21 furnishing satisfactory evidence that the full amount of parking
22 penalties or bail, or both, have been deposited that person may
23 demand to be taken without unnecessary delay before a
24 magistrate, for traffic offenses, or a hearing examiner, for
25 parking offenses, within the county in which the offenses
26 charged are alleged to have been committed and who has
27 jurisdiction of the offenses and is nearest or most accessible with
28 reference to the place where the vehicle is immobilized.
29 Evidence of current registration shall be produced after a vehicle
30 has been immobilized or, at the discretion of the immobilizing
31 law enforcement agency, a notice to appear for violation of
32 subdivision (a) of Section 4000 shall be issued to that person.

33 (b) A person, other than a person authorized under subdivision
34 (a), shall not immobilize a vehicle.

35 SEC. 3. Section 22658 of the Vehicle Code is amended to
36 read:

37 22658. (a) The owner or person in lawful possession of
38 private property, including an association of a common interest
39 development as defined in Section 1351 of the Civil Code, may
40 cause the removal of a vehicle parked on the property to a

1 storage facility that meets the requirements of subdivision (n)
2 under any of the following circumstances:

3 (1) There is displayed, in plain view at all entrances to the
4 property, a sign not less than 17 inches by 22 inches in size, with
5 lettering not less than one inch in height, prohibiting public
6 parking and indicating that vehicles will be removed at the
7 owner's expense, and containing the telephone number of the
8 local traffic law enforcement agency and the name and telephone
9 number of each towing company that is a party to a written
10 general towing authorization agreement with the owner or person
11 in lawful possession of the property. The sign may also indicate
12 that a citation may also be issued for the violation.

13 (2) The vehicle has been issued a notice of parking violation,
14 and 96 hours have elapsed since the issuance of that notice.

15 (3) The vehicle is on private property and lacks an engine,
16 transmission, wheels, tires, doors, windshield, or any other major
17 part or equipment necessary to operate safely on the highways,
18 the owner or person in lawful possession of the private property
19 has notified the local traffic law enforcement agency, and 24
20 hours have elapsed since that notification.

21 (4) The lot or parcel upon which the vehicle is parked is
22 improved with a single-family dwelling.

23 (b) The tow truck operator removing the vehicle, if the
24 operator knows or is able to ascertain from the property owner,
25 person in lawful possession of the property, or the registration
26 records of the Department of Motor Vehicles the name and
27 address of the registered and legal owner of the vehicle, shall
28 immediately give, or cause to be given, notice in writing to the
29 registered and legal owner of the fact of the removal, the grounds
30 for the removal, and indicate the place to which the vehicle has
31 been removed. If the vehicle is stored in a storage facility, a copy
32 of the notice shall be given to the proprietor of the storage
33 facility. The notice provided for in this section shall include the
34 amount of mileage on the vehicle at the time of removal and the
35 time of the removal from the property. If the tow truck operator
36 does not know and is not able to ascertain the name of the owner
37 or for any other reason is unable to give the notice to the owner
38 as provided in this section, the tow truck operator shall comply
39 with the requirements of subdivision (c) of Section 22853

1 relating to notice in the same manner as applicable to an officer
2 removing a vehicle from private property.

3 (c) This section does not limit or affect any right or remedy
4 that the owner or person in lawful possession of private property
5 may have by virtue of other provisions of law authorizing the
6 removal of a vehicle parked upon private property.

7 (d) The owner of a vehicle removed from private property
8 pursuant to subdivision (a) may recover for any damage to the
9 vehicle resulting from any intentional or negligent act of a person
10 causing the removal of, or removing, the vehicle.

11 (e) (1) An owner or person in lawful possession of private
12 property, or an association of a common interest development,
13 causing the removal of a vehicle parked on that property is liable
14 for double the storage or towing charges whenever there has been
15 a failure to comply with paragraph (1), (2), or (3) of subdivision
16 (a) or to state the grounds for the removal of the vehicle if
17 requested by the legal or registered owner of the vehicle as
18 required by subdivision (f).

19 (2) A property owner or owner's agent or lessee who causes
20 the removal of a vehicle parked on that property pursuant to the
21 exemption set forth in subparagraph (A) of paragraph (1) of
22 subdivision (l) and fails to comply with that subdivision is guilty
23 of a misdemeanor, punishable by a fine of not more than two
24 thousand five hundred dollars (\$2,500), or by imprisonment in
25 the county jail for not more than three months, or by both that
26 fine and imprisonment, and is civilly liable to the owner of the
27 vehicle or his or her agent for four times the amount of the
28 towing and storage charges.

29 (f) An owner or person in lawful possession of private
30 property, or an association of a common interest development,
31 causing the removal of a vehicle parked on that property shall
32 notify by telephone or, if impractical, by the most expeditious
33 means available, the local traffic law enforcement agency within
34 one hour after authorizing the tow. An owner or person in lawful
35 possession of private property, an association of a common
36 interest development, causing the removal of a vehicle parked on
37 that property, or the tow truck operator who removes the vehicle,
38 shall state the grounds for the removal of the vehicle if requested
39 by the legal or registered owner of that vehicle. A towing
40 company that removes a vehicle from private property in

1 compliance with subdivision (l) is not responsible in a situation
2 relating to the validity of the removal. A towing company that
3 removes the vehicle under this section shall be responsible for
4 the following:

5 (1) Damage to the vehicle in the transit and subsequent storage
6 of the vehicle.

7 (2) The removal of a vehicle other than the vehicle specified
8 by the owner or other person in lawful possession of the private
9 property.

10 (g) (1) (A) Possession of a vehicle under this section shall be
11 deemed to arise when a vehicle is removed from private property
12 and is in transit.

13 (B) Upon the request of the owner of the vehicle or that
14 owner's agent, the towing company or its driver shall
15 immediately and unconditionally release a vehicle that is not yet
16 removed from the private property and in transit.

17 (C) A person failing to comply with subparagraph (B) is guilty
18 of a misdemeanor.

19 (2) If a vehicle is released to a person in compliance with
20 subparagraph (B) of paragraph (1), the vehicle owner or
21 authorized agent shall immediately move that vehicle to a lawful
22 location.

23 (h) A towing company may impose a charge of not more than
24 one-half of the regular towing charge for the towing of a vehicle
25 at the request of the owner, the owner's agent, or the person in
26 lawful possession of the private property pursuant to this section
27 if the owner of the vehicle or the vehicle owner's agent returns to
28 the vehicle after the vehicle is coupled to the tow truck by means
29 of a regular hitch, coupling device, drawbar, portable dolly, or is
30 lifted off the ground by means of a conventional trailer, and
31 before it is removed from the private property. The regular
32 towing charge may only be imposed after the vehicle has been
33 removed from the property and is in transit.

34 (i) (1) (A) A charge for towing or storage, or both, of a
35 vehicle under this section is excessive if the charge exceeds the
36 greater of the following:

37 (i) That which would have been charged for that towing or
38 storage, or both, made at the request of a law enforcement agency
39 under an agreement between a towing company and the law
40 enforcement agency that exercises primary jurisdiction in the city

1 in which is located the private property from which the vehicle
2 was, or was attempted to be, removed, or if the private property
3 is not located within a city, then the law enforcement agency that
4 exercises primary jurisdiction in the county in which the private
5 property is located.

6 (ii) That which would have been charged for that towing or
7 storage, or both, under the rate approved for that towing operator
8 by the California Highway Patrol for the jurisdiction in which the
9 private property is located and from which the vehicle was, or
10 was attempted to be, removed.

11 (B) A towing operator shall make available for inspection and
12 copying his or her rate approved by the California Highway
13 Patrol, if any, within 24 hours of a request without a warrant to
14 law enforcement, the Attorney General, district attorney, or city
15 attorney.

16 (2) If a vehicle is released within 24 hours from the time the
17 vehicle is brought into the storage facility, regardless of the
18 calendar date, the storage charge shall be for only one day. Not
19 more than one day's storage charge may be required for a vehicle
20 released the same day that it is stored.

21 (3) If a request to release a vehicle is made and the appropriate
22 fees are tendered and documentation establishing that the person
23 requesting release is entitled to possession of the vehicle, or is
24 the owner's insurance representative, is presented within the
25 initial 24 hours of storage, and the storage facility fails to comply
26 with the request to release the vehicle or is not open for business
27 during normal business hours, then only one day's storage charge
28 may be required to be paid until after the first business day. A
29 business day is any day in which the lienholder is open for
30 business to the public for at least eight hours. If a request is made
31 more than 24 hours after the vehicle is placed in storage, charges
32 may be imposed on a full calendar day basis for each day, or part
33 thereof, that the vehicle is in storage.

34 (j) (1) A person who charges a vehicle owner a towing,
35 service, or storage charge at an excessive rate, as described in
36 subdivision (h) or (i), is civilly liable to the vehicle owner for
37 four times the amount charged.

38 (2) A person who knowingly charges a vehicle owner a
39 towing, service, or storage charge at an excessive rate, as
40 described in subdivision (h) or (i), or who fails to make available

1 his or her rate as required in subparagraph (B) of paragraph (1) of
2 subdivision (i), is guilty of a misdemeanor, punishable by a fine
3 of not more than two thousand five hundred dollars (\$2,500), or
4 by imprisonment in the county jail for not more than three
5 months, or by both that fine and imprisonment.

6 (k) (1) A person operating or in charge of a storage facility
7 where vehicles are stored pursuant to this section shall accept a
8 valid credit card, ~~as defined in Section 6161 of the Government~~
9 ~~Code~~, or cash for payment of towing and storage by a registered
10 owner or the owner's agent claiming the vehicle. *"Credit card"*
11 *means "credit card" as defined in subdivision (a) of Section*
12 *1747.02 of the Civil Code, except for the purposes of this section,*
13 *credit card does not include a credit card issued by a retail*
14 *seller.*

15 (2) A person described in paragraph (1) shall conspicuously
16 display, in that portion of the storage facility office where
17 business is conducted with the public, a notice advising that all
18 valid credit cards and cash are acceptable means of payment.

19 (3) A person operating or in charge of a storage facility who
20 refuses to accept a valid credit card or who fails to post the
21 required notice under paragraph (2) is guilty of a misdemeanor,
22 punishable by a fine of not more than two thousand five hundred
23 dollars (\$2,500), or by imprisonment in the county jail for not
24 more than three months, or by both that fine and imprisonment.

25 (4) A person described in paragraph (1) who violates
26 paragraph (1) or (2) is civilly liable to the registered owner of the
27 vehicle or the person who tendered the fees for four times the
28 amount of the towing and storage charges.

29 (5) A person operating or in charge of the storage facility shall
30 have sufficient moneys on the premises of the primary storage
31 facility during normal business hours to accommodate, and make
32 change in, a reasonable monetary transaction.

33 (6) Credit charges for towing and storage services shall
34 comply with Section 1748.1 of the Civil Code. Law enforcement
35 agencies may include the costs of providing for payment by
36 credit when making agreements with towing companies as
37 described in subdivision (i).

38 (l) (1) (A) A towing company shall not remove or commence
39 the removal of a vehicle from private property without first
40 obtaining the written authorization from the property owner or

1 lessee, including an association of a common interest
2 development, or an employee or agent thereof, who shall be
3 present at the time of removal and verify the alleged violation,
4 except that presence and verification is not required if the person
5 authorizing the tow is the property owner, or the owner's agent
6 who is not a tow operator, of a residential rental property of 15 or
7 fewer units that does not have an onsite owner, owner's agent or
8 employee, and the tenant has verified the violation, requested the
9 tow from that tenant's assigned parking space, and provided a
10 signed request or electronic mail, or has called and provides a
11 signed request or electronic mail within 24 hours, to the property
12 owner or owner's agent, which the owner or agent shall provide
13 to the towing company within 48 hours of authorizing the tow.
14 The signed request or electronic mail shall contain the name and
15 address of the tenant, and the date and time the tenant requested
16 the tow. A towing company shall obtain within 48 hours of
17 receiving the written authorization to tow a copy of a tenant
18 request required pursuant to this subparagraph. For the purpose
19 of this subparagraph, a person providing the written authorization
20 who is required to be present on the private property at the time
21 of the tow does not have to be physically present at the specified
22 location of where the vehicle to be removed is located on the
23 private property.

24 (B) The written authorization under subparagraph (A) shall
25 include all of the following:

26 (i) The make, model, vehicle identification number, and
27 license plate number of the removed vehicle.

28 (ii) The name, signature, job title, residential or business
29 address and working telephone number of the person, described
30 in subparagraph (A), authorizing the removal of the vehicle.

31 (iii) The grounds for the removal of the vehicle.

32 (iv) The time when the vehicle was first observed parked at
33 the private property.

34 (v) The time that authorization to tow the vehicle was given.

35 (C) (i) When the vehicle owner or his or her agent claims the
36 vehicle, the towing company prior to payment of a towing or
37 storage charge shall provide a photocopy of the written
38 authorization to the vehicle owner or the agent.

39 (ii) If the vehicle was towed from a residential property, the
40 towing company shall redact the information specified in clause

1 (ii) of subparagraph (B) in the photocopy of the written
2 authorization provided to the vehicle owner or the agent pursuant
3 to clause (i).

4 (iii) The towing company shall also provide to the vehicle
5 owner or the agent a separate notice that provides the telephone
6 number of the appropriate local law enforcement or prosecuting
7 agency by stating “If you believe that you have been wrongfully
8 towed, please contact the local law enforcement or prosecuting
9 agency at [insert appropriate telephone number].” The notice
10 shall be in English and in the most populous language, other than
11 English, that is spoken in the jurisdiction.

12 (D) A towing company shall not remove or commence the
13 removal of a vehicle from private property described in
14 subdivision (a) of Section 22953 unless the towing company has
15 made a good faith inquiry to determine that the owner or the
16 property owner’s agent complied with Section 22953.

17 (E) (i) General authorization to remove or commence removal
18 of a vehicle at the towing company’s discretion shall not be
19 delegated to a towing company or its affiliates except in the case
20 of a vehicle unlawfully parked within 15 feet of a fire hydrant or
21 in a fire lane, or in a manner which interferes with an entrance to,
22 or exit from, the private property.

23 (ii) In those cases in which general authorization is granted to
24 a towing company or its affiliate to undertake the removal or
25 commence the removal of a vehicle that is unlawfully parked
26 within 15 feet of a fire hydrant or in a fire lane, or that interferes
27 with an entrance to, or exit from, private property, the towing
28 company and the property owner, or owner’s agent, or person in
29 lawful possession of the private property shall have a written
30 agreement granting that general authorization.

31 (2) If a towing company removes a vehicle under a general
32 authorization described in subparagraph (E) of paragraph (1) and
33 that vehicle is unlawfully parked within 15 feet of a fire hydrant
34 or in a fire lane, or in a manner that interferes with an entrance
35 to, or exit from, the private property, the towing company shall
36 take, prior to the removal of that vehicle, a photograph of the
37 vehicle that clearly indicates that parking violation. Prior to
38 accepting payment, the towing company shall keep one copy of
39 the photograph taken pursuant to this paragraph, and shall
40 present that photograph and provide, without charge, a

1 photocopy to the owner or an agent of the owner, when that
2 person claims the vehicle.

3 (3) A towing company shall maintain the original written
4 authorization, or the general authorization described in
5 subparagraph (E) of paragraph (1) and the photograph of the
6 violation, required pursuant to this section, and any written
7 requests from a tenant to the property owner or owner's agent
8 required by subparagraph (A) of paragraph (1), for a period of
9 three years and shall make them available for inspection and
10 copying within 24 hours of a request without a warrant to law
11 enforcement, the Attorney General, district attorney, or city
12 attorney.

13 (4) A person who violates this subdivision is guilty of a
14 misdemeanor, punishable by a fine of not more than two
15 thousand five hundred dollars (\$2,500), or by imprisonment in
16 the county jail for not more than three months, or by both that
17 fine and imprisonment.

18 (5) A person who violates this subdivision is civilly liable to
19 the owner of the vehicle or his or her agent for four times the
20 amount of the towing and storage charges.

21 (m) (1) A towing company that removes a vehicle from
22 private property under this section shall notify the local law
23 enforcement agency of that tow ~~within 15 minutes~~ after the
24 vehicle is removed from the private property and is in transit.

25 ~~(2) A towing company that violates paragraph (1) is civilly~~
26 ~~liable to the registered owner of the vehicle or the person who~~
27 ~~tendered the fees for three times the amount of towing and~~
28 ~~storage charges.~~

29 ~~(3) In addition to being subject to the imposition of a civil~~
30 ~~penalty under paragraph (2), it is a misdemeanor to violate~~
31 ~~paragraph (1) if the notification required under paragraph (1) is~~
32 ~~provided more than 60 minutes after the vehicle is removed from~~
33 ~~the private property and is in transit or the notification is never~~
34 ~~provided.~~

35 *(2) A towing company is guilty of a misdemeanor if the towing*
36 *company fails to provide the notification required under*
37 *paragraph (1) within 60 minutes after the vehicle is removed*
38 *from the private property and is in transit or 15 minutes after*
39 *arriving at the storage facility, whichever time is less.*

1 (3) A towing company that does not provide the notification
2 under paragraph (1) within 30 minutes after the vehicle is
3 removed from the private property and is in transit is civilly
4 liable to the registered owner of the vehicle, or the person who
5 tenders the fees, for three times the amount of the towing and
6 storage charges.

7 (4) If notification is impracticable, the times for notification,
8 as required pursuant to paragraphs (2) and (3), shall be tolled
9 for the time period that notification is impracticable. This
10 paragraph is an affirmative defense.

11 (n) A vehicle removed from private property pursuant to this
12 section shall be stored in a facility that meets all of the following
13 requirements:

14 (1) (A) Is located within a 10-mile radius of the property from
15 where the vehicle was removed.

16 (B) The 10-mile radius requirement of subparagraph (A) does
17 not apply if a towing company has prior general written approval
18 from the law enforcement agency that exercises primary
19 jurisdiction in the city in which is located the private property
20 from which the vehicle was removed, or if the private property is
21 not located within a city, then the law enforcement agency that
22 exercises primary jurisdiction in the county in which is located
23 the private property.

24 (2) (A) Remains open during normal business hours and
25 releases vehicles after normal business hours.

26 (B) A gate fee may be charged for releasing a vehicle after
27 normal business hours, weekends, and state holidays. However,
28 the maximum hourly charge for releasing a vehicle after normal
29 business hours shall be one-half of the hourly tow rate charged
30 for initially towing the vehicle, or less.

31 (C) Notwithstanding any other provision of law and for
32 purposes of this paragraph, “normal business hours” are Monday
33 to Friday, inclusive, from 8 a.m. to 5 p.m., inclusive, except state
34 holidays.

35 (3) Has a public pay telephone in the office area that is open
36 and accessible to the public.

37 (o) (1) It is the intent of the Legislature in the adoption of
38 subdivision (k) to assist vehicle owners or their agents by, among
39 other things, allowing payment by credit cards for towing and
40 storage services, thereby expediting the recovery of towed

1 vehicles and concurrently promoting the safety and welfare of the
2 public.

3 (2) It is the intent of the Legislature in the adoption of
4 subdivision (l) to further the safety of the general public by
5 ensuring that a private property owner or lessee has provided his
6 or her authorization for the removal of a vehicle from his or her
7 property, thereby promoting the safety of those persons involved
8 in ordering the removal of the vehicle as well as those persons
9 removing, towing, and storing the vehicle.

10 (3) It is the intent of the Legislature in the adoption of
11 subdivision (g) to promote the safety of the general public by
12 requiring towing companies to unconditionally release a vehicle
13 that is not lawfully in their possession, thereby avoiding the
14 likelihood of dangerous and violent confrontation and physical
15 injury to vehicle owners and towing operators, the stranding of
16 vehicle owners and their passengers at a dangerous time and
17 location, and impeding expedited vehicle recovery, without
18 wasting law enforcement's limited resources.

19 (p) The remedies, sanctions, restrictions, and procedures
20 provided in this section are not exclusive and are in addition to
21 other remedies, sanctions, restrictions, or procedures that may be
22 provided in other provisions of law, including, but not limited to,
23 those that are provided in Sections 12110 and 34660.

24 SEC. 4. Section 22658.2 of the Vehicle Code is repealed.

25 SEC. 5. Section 22953 of the Vehicle Code is amended to
26 read:

27 22953. (a) An owner or person in lawful possession of
28 private property that is held open to the public, or a discernible
29 portion thereof, for parking of vehicles at no fee, or an employee
30 or agent thereof, shall not tow or remove, or cause the towing or
31 removal, of a vehicle within one hour of the vehicle being
32 parked.

33 (b) Notwithstanding subdivision (a), a vehicle may be
34 removed immediately after being illegally parked within 15 feet
35 of a fire hydrant, in a fire lane, in a manner that interferes with an
36 entrance to, or an exit from, the private property, or in a parking
37 space or stall legally designated for disabled persons.

38 (c) Subdivision (a) does not apply to property designated for
39 parking at residential property, or to property designated for

1 parking at a hotel or motel where the parking stalls or spaces are
2 clearly marked for a specific room.

3 (d) It is the intent of the Legislature in the adoption of
4 subdivision (a) to avoid causing the unnecessary stranding of
5 motorists and placing them in dangerous situations, when traffic
6 citations and other civil remedies are available, thereby
7 promoting the safety of the general public.

8 (e) A person who violates subdivision (a) is civilly liable to
9 the owner of the vehicle or his or her agent for two times the
10 amount of the towing and storage charges.

11 SEC. 6. Section 40000.15 of the Vehicle Code is amended to
12 read:

13 40000.15. A violation of any of the following provisions shall
14 constitute a misdemeanor, and not an infraction:

15 Subdivision (g), (j), (k), (l), or (m) of Section 22658, relating to
16 unlawfully towed or stored vehicles.

17 Sections 23103 and 23104, relating to reckless driving.

18 Section 23109, relating to speed contests or exhibitions.

19 Subdivision (a) of Section 23110, relating to throwing at
20 vehicles.

21 Section 23152, relating to driving under the influence.

22 Subdivision (b) of Section 23222, relating to possession of
23 marijuana.

24 Subdivision (a) or (b) of Section 23224, relating to persons
25 under 21 years of age knowingly driving, or being a passenger in,
26 a motor vehicle carrying any alcoholic beverage.

27 Section 23253, relating to directions on toll highways or
28 vehicular crossings.

29 Section 23332, relating to trespassing.

30 Section 24002.5, relating to unlawful operation of a farm
31 vehicle.

32 Section 24011.3, relating to vehicle bumper strength notices.

33 Section 27150.1, relating to sale of exhaust systems.

34 Section 27362, relating to child passenger seat restraints.

35 Section 28050, relating to true mileage driven.

36 Section 28050.5, relating to nonfunctional odometers.

37 Section 28051, relating to resetting odometers.

38 Section 28051.5, relating to devices to reset odometers.

39 Subdivision (d) of Section 28150, relating to possessing four or
40 more jamming devices.

1 SEC. 7. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the
6 penalty for a crime or infraction, within the meaning of Section
7 17556 of the Government Code, or changes the definition of a
8 crime within the meaning of Section 6 of Article XIII B of the
9 California Constitution.

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